



The agency having custody of plaintiff shall forward said payments from plaintiff's account to the Clerk of this Court each time the amount in the account exceeds \$10 until the filing fee is paid. 28 U.S.C. § 1915(b)(2).

When a prisoner has funds in his account, he must pay an initial partial filing fee of twenty (20 %) percent of the greater of (1) the average monthly deposits to the prisoner's account, or (2) the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1).

A review of plaintiff's trust fund account statement reveals that the average monthly balance in his account for the period of time for which information is provided is \$16.37, while the average monthly deposits to his account is \$125.00. Twenty percent of \$125.00 is \$25.00. Accordingly, it is hereby **ORDERED** that plaintiff pay an initial partial filing fee of \$25.00.

Plaintiff shall have thirty (30) days from the date of his receipt of this order to pay the required initial partial filing fee to the Clerk of the Court, or to explain to the Court his inability to do so. Failure to comply with this order shall result in the dismissal of plaintiff's complaint. There shall be no service in this case until further order of the Court.

**SO ORDERED**, this the 7<sup>th</sup> day of October, 2005.

/s/ Richard L. Hodge  
RICHARD L. HODGE  
UNITED STATES MAGISTRATE JUDGE

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